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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,653	09/02/2003	Michael Kandler	S&ZIO030801	3425

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EXAMINER

ALLEN, ANDRE J

ART UNIT PAPER NUMBER

2855

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

31

<b>Office Action Summary</b>	Application No. 10/653,653	Applicant(s) KANDLER, MICHAEL	
	Examiner Andre J. Allen	Art Unit 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9-11 and 13 is/are rejected.
- 7) ☒ Claim(s) 5, 8 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1,2,6-7,10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adderton et al (US 2002/0092364) in view of Bankart et al (US 6609419).

Regarding claims 1 and 11, Adderton et al teaches at least one sensor element (fig. 10) that is at least partially surrounded by a housing (110) wherein the housing of the module 116 is flexible (tire) 10, and a transmission means 131 for wireless data transmission. Adderton however, does not disclose the transmission means is integrated in the module. Bankart et al teaches a transmission means located in a tire that is integrated in a module (col. 35 lines 25-30). It would have been obvious to a person having ordinary skill in the art of tire pressure system at the time the invention was made to modify the transmission means taught by Adderton et al with a transmission means integrated in a module as taught by Bankart et al for the purpose of easy/ low cost manufacture and modulating a current digitally between respective low and high values in accordance with the detected changes in the effective value (Bankart et al col. 35 lines 39-42).

Regarding claim 2 Adderton et al teaches the transmission means contains an antenna 132 [0087] and/or an induction coil.

Regarding claim 6 Adderton et al teaches the flexible housing is designed so that it may be vulcanized into a rubber tire [0075].

Regarding claim 7 Adderton et al teaches the flexible housing is adapted to the geometry of a receiving unit [0095].

Regarding claim 10 Adderton et al teaches a gel is introduced between the flexible cover and the pressure sensor [0072].

2. Claims 3,4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adderton et al (US 2002/0092364) in view of Bankart et al (US 6609419) as applied to claims 1,2,6-7,10 and 11 above and further in view of Konchin et al (US 2003/012966).

Regarding claims 3,4 and 9, Adderton et al teaches all the basic features of the claimed invention except an inductively and/or electromagnetically coupled or operated sensor. Konchin et al teaches an inductively and/or electromagnetically coupled or operated sensor [0136]. It would have been obvious to a person having ordinary skill in the art of tire monitoring sensors at the time the invention was made to modify the structures Adderton et al in view of Bankart et al to contain an inductively and/or electromagnetically coupling as taught by Konchin et al for the purpose of providing a passive circuit that requires no power source and therefore is both less expensive to operate and has a longer useful life than conventional tire pressure monitoring systems Konchin et al [0008].

***Allowable Subject Matter***

3. Claims 5,8 and 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The cited prior art does not disclose nor suggest at least two flexible foils: a first one of the flexible foils support a the at least one sensor element and a second one of the flexible foil overlaps the first one of the flexible foils and supports the transmission means and memory element configured to store specific data that is not data sensed by the sensor element.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre J. Allen

whose telephone number is 571-272-2174. The examiner can normally be reached on mon-fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



André Allen  
Patent Examiner  
Art Unit 2855